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Bishops' Pastoral on the MEXICAN SITUATION

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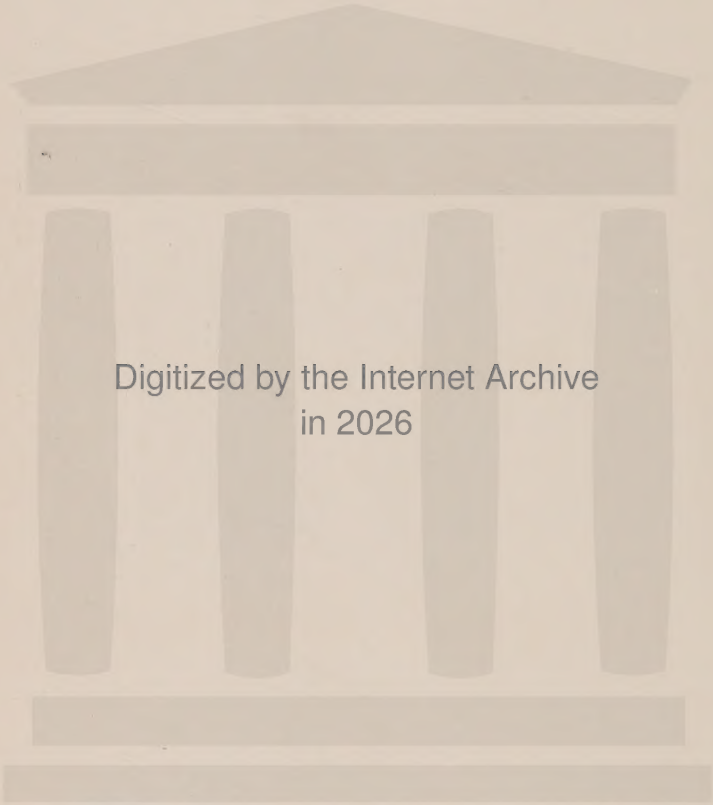
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Pastoral Letter

of the

Catholic Episcopate

of the

United States

on the

Religious Situation

in

Mexico

ST. PAUL MINN.

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THE CARDINALS, ARCHBISHOPS AND BISHOPS Of the Catholic Church in the United States of America To the Clergy and Faithful: Peace and Benediction in Our Lord Jesus Christ, Teacher of the Truth That Makes Us Free

Sympathy to those who suffer for conscience sake has never been refused by the great heart of the American people. They, almost instinctively, sense all oppression to be a destroyer of unity at home, as well as an abundant source of the misunderstandings and hatreds that divide nations and peoples and injure the cause of international amity and world peace. If then we, as American Bishops, had no other reason for issuing this Pastoral than to show our deep sympathy with the suffering people of Mexico in the persecution now raging against religion in that country, it would be justified; but there are other reasons, carrying even greater weight and urgency, that make of this act a duty. They are found in the fact that Mexico is our neighbor—with all the power that propinquity gives to the force of good or evil example — a republic which it was intended should be modeled on lines similar to ours, and a nation with a Christian population whose devotion to the Catholic Church makes a special call upon the charity of the faithful everywhere, but more especially upon those of the United States.

Even stronger reasons for the issuing of this Pastoral arise out of the higher considerations of duty to those principles upon which all just government must be founded, principles which guard rights conferred upon man, not by states, but by God Himself. None, much less Bishops of the Church that holds the spiritual allegiance of almost the entire Mexican population, can be indifferent when these vital principles are attacked as boldly and as cruelly as is being done in Mexico today. This duty of defense and protest, first and most properly, has been recognized by the Bishops of Mexico themselves in admirably worded petitions against oppression as well as in timely, edifying and intimate letters

21573

to their flocks. Their action may well be seconded by us, their brothers separated by national frontiers, but nevertheless bound to them in the bonds of a common faith, as well as by ties of fraternal charity made stronger in mutual understanding, esteem and friendship.

We Speak in the Interests of Both Church and State

All the more do we feel an obligation to speak boldly and publicly on the religious persecution raging in Mexico, because the common Father of Christendom, Pius XI, Vicar of Jesus Christ, has urged the faithful of the whole world to unite with him in sympathy and prayer to God for the afflicted Church. He thus manifests at once his deep sorrow over her trials and his keen perception of the danger that this persecution threatens to "the peace of Christ in the Kingdom of Christ" everywhere. He who has made it plain that his dearest wish, as well as the supreme motive of all his official actions, is nothing less than the reign of the Prince of Peace over all hearts, and who offers a sick and disturbed world the remedy of the Master's teachings and the Master's love, has, by his timely appeal, recognized its gravity and the threat it carries to religion the world over.

Yet another and still stronger motive urges us to speak. It is that the present conflict, as one part of a war against religion in Mexico which had its inception almost a century ago, to a greater degree than any preceding it comes from an attempt at nothing less than the destruction of the Divine Constitution of the Church by reducing her to the status of a state-controlled schismatical body, without the right to form, train and educate her own clergy, to have a sufficient number of them for the care of souls, to find means for her support, to develop works in accord with her mission of charity and enlightenment, and to apply the teachings of the Gospel to the formation of a public conscience. Sad experience, as well as right reason, tells us what would follow the success of such an attempt, and what it would mean to Church as well as to State.

The Mexican Church thus controlled and bound, as the civil power seeks to control and bind her, nominally might be separated, but really would be a department of the political machinery of the State. Her dignities and offices would be the perquisites of politicians; her voice the changing voice of political action. She would be despised by her faithful and justly mocked by her enemies.

Her bond of unity with the Church Universal would first be weakened and then snapped asunder. The Mexican Government asks the Church to accept a slavery that could mean nothing today but an infection caught from evil surroundings, and tomorrow a decline into mortal sickness inevitably ending with her passing from the life of the Mexican people.

We Speak as Americans as Well as Catholics

To the State would come no less evil results. With the check of religious influence gone, history for her also would be repeated. She would forget her dreams of democracy and actually become a despotism. Corruption would increase with power to confer ecclesiastical emoluments upon the unworthy. She would merit and receive the hatred of just men at home and the contempt of just men abroad. A "Holy Synod," doing the unholy work of despotism, would gradually absorb her strength and seize her power as a most convenient machinery of government. Whatever of good is in her ideals would be shattered on one of the oldest rocks that lie hidden in the waters of political life.

The question that we are considering then is vital both to the Church and to the State. However blind may be the advocates of such plans in government to their evils, the Mexican Church prefers, if she must, to perish defending her Divine Constitution and the religious rights of her people rather than to accept the alternative of a slavery that would mean the disgrace of faithlessness, as well as ultimate ruin to her spiritual mission. In fact, the Church in Mexico has no choice; for merely to continue her public religious functions under these oppressive and unjust conditions would be an open declaration that she had submitted to them, and thus had taken a first step toward divorcing herself from the unity of the Church Universal.

If, then, because of the fact that the persecution in Mexico is directed against all the principles of religion, we should speak as the servants of God; if, because it is unloosed particularly against the religion of the majority of the people of Mexico, we should speak as Catholics; there are grave reasons, too, why we have a duty to speak as Americans attached to the institutions of our country and loving them for the benefits they have conferred upon us all. The Government of Mexico has, indeed, by its actions in our very midst, made it necessary that we should no longer guard silence, for it has carried its war on religion beyond its own boundaries through organized propaganda in many countries, but especially in our own.

We Consider the Mexican Government in the Light of American and Christian Principles

Through its diplomatic and consular agents in the United States that Government appeals to the American people to justify its actions. In consequence we have before us, the extraordinary spectacle of a foreign government, not only filling our country with propaganda in favor of its own internal plans and policies, but even attempting to justify and defend, in our nation, laws and conduct at variance with fundamentals set down in imperishable documents by the Fathers of this Republic. Misinterpreting our good-natured tolerance for a neighbor still disturbed by consequences of many military upheavals, the Government of Mexico has thus presumed to appeal to our fellow citizens for approval. This actually amounts to the submission of its case for judgment to a court beyond its own boundaries; pleading, not before its own citizens who, according to its Constitution, form the only court competent to pass upon it, but before strangers who claim no jurisdiction over their neighbor's political affairs, and whose only interest in them is a desire for the well-being of the people of Mexico and their own peace in amicable mutual relations. The Government of Mexico cannot, therefore, object, under such circumstances, if the case it has thus presented for judgment be considered in the light of American principles, as embodied in our fundamental laws, and in the light of Christian principles, since it appeals for the sympathy of Christians; nor, since it claims great zeal for the advancement of education, if the statements it has presented in support of its pleading be submitted to the test of history. These are the things we purpose to do, so that, not only will our own citizens be fully informed of the interests at stake, but the Mexican people will not be without benefit of advocate before the court to which their rulers have actually but mistakenly appealed.

PART I

Liberty in the Light of the American and Mexican Constitutions

The Government of Mexico bases its case upon repeated assurances that it is merely enforcing the Constitution and fundamental laws of the Mexican nation. It will not be out of place then to compare this Constitution and these laws with our own, at least in so far as they affect the rights of conscience. In no better way can the points at issue be made clear.

The difference between the conception of civil and religious freedom upheld by the American Constitution and that of the makers and defenders of the present Constitution of Mexico will be best understood by contrasting the two instruments. This will show, that only by slurring over or concealing the actual facts of the case can the Mexican Government hope to secure the sympathy of thoughtful and unbiased Americans, whose ideas of civic justice and right are radically different from those expressed in Mexican law. The contrast will prove this without argument. Certainly there is no basis for argument, unless it be in an attempt, not to reconcile our policies with those of the Mexican Government, but to prove that ours are wrong. In fact, what the Government of Mexico actually asks us to do, in begging our sympathy and approval, is nothing less than to condemn the work of the Fathers of this Republic, register dissatisfaction with the Constitution they gave us, and demand its overthrow; for no American can accept the Mexican theory of Government as being in accord with fundamental justice without repudiating his own traditions and ideals. The very audacity and boldness of the Mexican Government in thus appealing to us for sympathy in favor of laws and conduct at variance with our most cherished political convictions has been, perhaps, the chief reason why the fact of their opposition to these convictions has been overlooked. Possibly it is for the same reason that some Christian people everywhere have overlooked also the fact that the present Government of Mexico is making war on one of the essentials of Christianity, namely, liberty of conscience, on which Leo XIII clearly set forth the Christian position. "Another liberty", he writes, "is widely advocated, namely, liberty of conscience. If by this is meant that everyone may, as he chooses, worship God or not, it is sufficiently refuted by the arguments already adduced. But it may also be taken to mean that every man in the State may follow the will of God, and, from a consciousness of duty and free from every obstacle, obey His commands. This, indeed, is true liberty, a liberty worthy of the sons of God, which nobly maintains the dignity of man, and is stronger than all violence or wrong—a liberty which the Church has always desired and held most dear. This is the kind of liberty the apostles claimed for themselves with intrepid constancy, which the apologists of Christianity confirmed by their writings, and which the martyrs in vast numbers consecrated by their blood. And deservedly so; for this Christian liberty bears witness to the absolute and most just dominion of God over man, and to the chief and supreme duty of man towards God. It has nothing in common with a seditious and rebellious mind; and in no tittle derogates from

obedience to public authority; for the right to command and to require obedience exists only so far as it is in accordance with the authority of God, and is within the measures that He has laid down. But when anything is commanded which is plainly at variance with the will of God, there is a wide departure from this divinely constituted order, and at the same time a direct conflict with divine authority; therefore, it is right not to obey."[1]

The Divine Mission of the Church

In a thousand other passages this illustrious Pontiff, his predecessors and successors, have set forth Catholic teaching on this and kindred topics with which we are now concerned. The doctrines of the Church are not secrets. With her Master she can say, "*In secret I have spoken nothing.*"[2] According to that teaching, it is God's will, contained in both His natural and positive law, which is the first law of life, public and private. To discover that will through the searching process of a sincere and enlightened conscience, using the means which God has furnished, and then to follow its lead, is every man's native right and duty. "*This is my beloved Son: hear ye Him,*"[3] is the burden or the message of God to the human race. Therefore do we cling to Christ as "*the way, the truth and the life.*"[4] He in turn charges His Apostles and their successors with the task of continuing His mission of teaching and of sanctifying the coming generations. "*He that heareth you heareth Me and he that despiseth you despiseth Me.*"[5] To them consequently the Catholic looks as to his authoritative guides in the pathway that leads to eternity. To these "*dispensers of the mysteries of God*"[6] the Catholic owes conscientious obedience in such matters as have been confided to their care by the chief shepherd of our souls, who is Christ. Only by arbitrary interference outside its own independent proper sphere of action can the State obstruct the due fulfillment of the pastoral ministry; and this the Mexican Government seeks to do, denying in effect the final authority of the will of God plainly expressed to man for his spiritual guidance, and by a bold act of arbitrary power invading its rights in favor of the State.

Passing from the consideration of the conception of civil and religious liberty in Constitutions to the Constitutions themselves, we are met with the plea of the Mexican Government that it is

[1]Encyclical "Libertas Praestantissimum," June 20, 1888.
[2]John xviii, 20.
[3]Matthew xvii, 5.
[4]John xiv, 6.
[5]Luke x, 16.
[6]1 Cor. iv, 1.

doing no more than enforcing its own. Here, however, at the outset, it is confronted with two important facts: first, that, though the anti-religious laws of the country date[7] from 1857, yet no Government till now has ever attempted to give them full effect: and second, that, though these laws were reaffirmed and made more drastic in the Constitution of 1917, yet President Carranza himself suggested changing the clauses affecting religion,[8] and President Obregon never attempted to enforce all of them during the four years of his administration. These two facts show that it was tacitly recognized how far removed such laws were from justice and from the approval of the Mexican people. The appeal to the Constitution, however, does take our eyes off persons and, for the moment, directs attention to the written instrument by which such persons seek to justify their acts. It is in order, therefore, to inquire into the nature and purpose of a Constitution.

The Purpose of a Constitution

A written Constitution is an instrument which enumerates and defines the rights and duties of government, distributes its powers, prescribes the manner of their exercise, and limits them to the end that the liberties of the citizens may be preserved. Since the purpose of government is to protect human rights, not to destroy them, it follows that the charter by which a government operates cannot contain a grant of unlimited power. For the exercise of such power would be tyranny, inasmuch as it would tend to destroy rights which both the natural and the positive laws of God place beyond the jurisdiction of men. Hence, in the commonly accepted American doctrine, a Constitution vests the Government with such rights and powers as are necessary for the proper exercise of its just functions, and at the same time forbids it to encroach upon rights of a higher order which come to men, not from the people, nor from the State, nor from any aggregation of states, but from the Creator of both men and states, Almighty God. This conception is wholly in keeping with the teaching of the Catholic Church.

There can be no possible doubt, then, that protection of the natural and inalienable rights of the individual is essential to the very notion of a Constitution. Unlimited power would need no Constitution, for a Constitution is a guarantee of liberty, not an engine of tyranny. No such document, whatever its origin, can win respect or exact obedience when it destroys these rights or

[7]Previous to this date, the State endeavored to make the Bishops and priests political appointees, and to legislate in Church affairs.

[8]Diario Oficial, Nov. 21, 1918. Bill to modify Art. 3.
Diario Oficial, Dec. 17, 1918. Bill to modify paragraphs VII, VIII and XVI of Art. 130.

enacts statutes which make their exercise morally impossible. For such an instrument is not in accord with that right reason which vindicates man's natural rights. "Human law is law only by virtue of its accordance with right reason", says St. Thomas Aquinas, "and thus it is manifest that it flows from the eternal law. And in so far as it deviates from right reason it is called an unjust law; in such case it is no law at all, but rather a species of violence."[9]

Man Has Inalienable Rights

This, indeed, is the force of the Declaration of Independence, a document rightly regarded by all Americans as the cornerstone of this Government. With the Signers, we hold certain truths "to be self-evident". We agree that "all men", Mexicans included, "are endowed by their Creator with certain unalienable rights; that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights governments are instituted among men. . . ." Plainly, then, these rights are held by every man, not by the tolerance or grant of any State, but by the immutable decree of Almighty God. It is not within the authority of any Government to destroy or to hamper them. On the contrary, it is the solemn duty of the Government "to secure" them; and the Government which attacks them must be repudiated by all right-minded men. In the words of St. Thomas, its action is not law "but rather a species of violence". On this teaching St. Thomas and the Declaration of Independence are in complete accord.

Now while it is not easy, as the Supreme Court has recently declared, to enumerate all the rights which are comprehended under the primal right "to Life, Liberty and the pursuit of Happiness," it is certain, as the same Court has held, in a very important case,[10] that among them is the right to worship Almighty God according to the dictates of conscience. Let it be further observed that the constant and unvarying interpretation of the Federal Constitution by the Courts bears out our contention that the Government exists to protect the citizen in the exercise of his natural and unalienable rights, and that it may enact no law which destroys them.

The State Must Protect these Rights

Constantly, too, has the Catholic Church upheld this conception of government under whatever form it may be exercised. Unlimited power over the liberty of the citizen is not Christian teaching. It is not the teaching of the Fathers of this Republic. It is not the doctrine of our Courts, which have again and again rejected it. To

[9]Summa, 1a, 11ae, Q. xciii, Art. 3.
[10]Meyer vs. Nebraska, 262, U. S., 390.

frame a Constitution or to enact legislation which makes impossible man's enjoyment of his natural heritage of liberty, is not within the legitimate power of any civil government, no matter how constituted. For this heritage descends to him by the natural law which "is coeval with mankind" and, since it "is dictated by God Himself," as Blackstone writes in his celebrated Commentaries,[11] "it is of course superior in obligation to any other . . . No human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original." The legislator, opposing the dictates of this law, cannot prescribe a course which is reasonable, or which is profitable to the community, and since his act in no way reflects the wisdom of the natural law, which is the wisdom of the Eternal Lawgiver, it is not law, and can impose no obligations upon any citizen. It merits respect from no just man, and least of all from Americans whose theory of government it outrages. Thus it is seen that the wisdom of Christian teaching has not failed to impress itself on the minds of distinguished men whose studies and writings on law have won for them deserved eminence before their fellows. In this connection we recall words written in our Pastoral of 1919: "The end for which the State exists, and for which authority is given it, determines the limit of its powers. It must respect and protect the divinely established rights of the individual and the family. It must safeguard the liberty of all, so that none shall encroach upon the rights of others. But it may not rightfully hinder the citizen in the discharge of his conscientious obligations, and much less in the performance of duties he owes to God."

Man Cannot Suspend God-given Rights

These words are in accord with both the natural and the positive laws of God. They are in accord with the recognition of these laws by the Founders of our Republic. To give practical effect to them the First Amendment to the Constitution, forbidding Congress to prohibit the free exercise of religion, was adopted, and by degrees a similar prohibition was inserted into the Constitutions or Bills of Rights of the several States. These guarantees are more than part of the Federal Constitution and of the Constitutions of the respective States. They are part of the Constitution of the rights of free men. The Church has never been in disaccord with them, for, while she has been careful always to safeguard peace and oppose discord by protecting legitimate authority, she has not failed to point out to the civil authority its duties to the people as

[11]Commentaries, Intro., sec. 2.

well as its responsibilities to God. Through her theologians, among whom may be cited St. Thomas Aquinas, Blessed Robert Bellarmine and Suarez, she has indicated the rights of the people with which no State and no ruler may interfere, insisted that they are beyond and above the statutes made by kings and senates, because deriving their sanction, not from the will and power of earthly authority, but from the authority of God and the dignity of man as an intelligent being.

It is not possible to hold that modern progress has antiquated or set aside this truth of the Divine source of all authority, for it is not within man's power to destroy that which is true, nor yet within his power to change that which is unchangeable. Truth is fixed and immutable. It is possible to discover new beauty in truth so that it shines brighter to the eyes of man, but its light cannot be extinguished. Light does not fight light but dissolves into it according to the universal law of its essential unity. Nor is it possible to hold that, under exceptional circumstances, a nation may acquire or take the right to set aside the principles upon which just government is builded and thus interfere with the fundamental rights of conscience for the supposed good of the State. The State cannot benefit by wrong, and rights given by God are beyond the legitimate power of man to suspend or to cancel.

The Inviolable Sanctuary of the Soul

The individual citizen does not then resign to society all the rights that he possesses as a free man, as some would have it appear, receiving back only a portion of them as a gift from the State, while nominally retaining in himself a sovereignty that actually is exercised by those who rule in his name. This doctrine, well known to the Fathers of the Republic, was nevertheless rejected by them. The Government of Mexico, by insisting on obedience to a Constitution made without reference to justice by a handful of military rulers, contrary to human rights and never submitted to the people for ratification, insists that the individual citizen has no rights that his Government is bound to respect; that there are no limits to the powers of government. No doctrine could be more certain than that to sweep out of existence the sturdy self-reliance of a people, to sow discord within and enmity without. The power of the State, coming from God, may be bestowed by the people, but when thus bestowed, it does not and cannot include what is not within the competency of the State to accept. Had God ordained the rule of the State over the soul and conscience, He would have given the State the means to direct conscience and control the operations of

the soul, since He gives means to the end. The sanctuary of the soul and of conscience the State cannot invade. It is precisely this that the Government of Mexico seeks to do, and then to justify, before a people whose national ideals are in direct contradiction to the evil spirit of despotism and tyranny that actuates the laws and the rulers now making of Mexico a shocking example of wrong to the whole civilized world. It is plain then that there was no exaggeration in the language of Pope Pius XI when he characterized these laws as "diabolical."

American Recognition of the Rights and Utility of Religion

Passing now from consideration of the Constitutions themselves, we may, with better informed minds, contrast the laws founded upon them by Mexico and by our own Republic.

American laws recognize the right of the citizen to worship God "according to the dictates of his conscience" and, in order that this freedom may be assured him, religious societies are recognized as corporate legal entities having power to possess what property they need to carry out their mission. Furthermore, that mission is recognized as being, not only religious in root and trunk, but as bearing flowers and fruit in works of education and social welfare. Religious societies may, therefore, own land and upon it erect such buildings as are necessary for their purposes. They may establish, own and direct schools, colleges, universities, asylums, hospitals, and other institutions of education and social welfare. They may, as legal entities, protect their property rights by recourse to due process of law. They may possess endowments for the benefit of these activities and receive bequests. They may have seminaries wherein their clergy are trained and educated. Over and above all this, property owned by them, when used for purposes of worship, charity or education, almost universally with us is specially exempt from taxation; not only because it is recognized as of utility to the public welfare, but also in order to carry into effect the spirit of the national will which, expressing itself through the Continental Congress, says: "Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."[12] In this connection the words of our first President are eloquent: "And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason

[12]Northwest Ordinance, Art. 3.

and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."[13]

This condition has obtained since the formation of the Republic. It has worked out for the benefit of the State and of the people. No one now seriously believes that it could be changed. It has become an accepted and highly esteemed part of our national life, because it recognizes the rights of conscience, encourages private initiative in the establishing of useful agencies for learning and charity, promotes peace, contentment and good-will among citizens, encourages the enforcement of wise and good laws as well as the practice of the civic virtues, and allows to religion freedom in its own sphere for its teachings and for the cultivation of the spiritual life of the people. It has stood the test of nearly one and a half centuries, and the American people today are undoubtedly more than ever convinced of the desirability of its continuance. While with us there is no union of Church and State, nevertheless there is full and frank recognition of the utility of religion to good government. Hence the American State encourages religion to make greater and greater contributions to the happiness of the people, the stability of government and the reign of order.

Mexico's Attempt to Destroy Religion

In contrast with this, according to the present Constitution of Mexico, no religious society may enjoy the right of corporate legal existence.[14] Officially, there are no Churches in Mexico; for a Church cannot possess anything, lacks the right of petition for redress of grievances, cannot sue or be sued in the civil courts, and in general is entirely without legal standing. Clergymen are disfranchised by the fact of ordination.[15] A Church cannot own the buildings in which its public worship is held.[16] It cannot possess endowments.[17] It cannot take up a collection or a subscription outside the doors of the building used for religious services. That building, however, is owned by the Government, though paid for and supported by the people. The Government merely allows the rightful owner to use it at the good pleasure of state officials.[18] All Churches in Mexico, therefore, have to be supported by collections during the services. Now Churches are mainly supported

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[13]Farewell Address.
[14]Constitution of 1917, Art. 130. Law of Nov. 25, 1926, Art. 5.
[15]Const. 1917, Art. 37, § III.
[16]Const. 1917, Art. 27. Law of Nov. 25, 1926, Art. 6.
[17]Const. 1917, Art. 27, § II. Law of June 21, 1926, Art. 21. Law of Nov. 25, 1926, Art. 6.
[18]Const. 1917, Art. 27, § II. Law of June 21, 1926, Art. 22.

everywhere by subscriptions accepted apart from the acts of worship themselves. With us, nearly all church building is paid for in that way. This is forbidden in Mexico, not by a mere regulation, but by constitutional enactment.[19]

In order to make this enactment effective, a Church is not allowed to possess houses for its bishops, priests, ministers, teachers or superintendents. Its future may not be provided for, because it cannot have a seminary in which a clergy may be trained to take places made vacant by death or incapacity. The fact that a Church uses a building is considered good ground for holding that it really belongs to that religious body. It may then be seized and confiscated. If a clergyman even rents a home for himself, the law provides that it may be seized on mere suspicion. Relatives of clergymen are threatened with the loss of their own personal property by confiscation on the ground that such property really belongs to a Church, for the law decrees that mere suspicion in such a case is full ground for the presumption that the property is held for the Church.[20] All property devoted by religious bodies to educational or charitable purposes is subject to confiscation.[21] In order to make it impossible for a Church to secure a building of any kind, it is provided that, in case of seizure, no trial by jury shall be allowed should its real owner appeal for justice.[22]

Works of Education and Charity Destroyed

A Church, therefore, cannot own anything, cannot provide for its current expenses, cannot provide for a future clergy. A native clergy is thus made impossible, a fact which ordinarily would throw the burden of the religious care of the people upon strangers. To prevent the possibility of that happening, however, the law provides[23] that no clergyman but a native-born Mexican may officiate in any act of worship; and in consequence foreign clergy have been expelled. Thus the law first makes it impossible for the people to have a native clergy and then impossible to have a foreign clergy; while the Government keeps assuring the world of its liberality and that there is no religious persecution in Mexico.[24]

[19]Const. 1917, Art. 130. Law of Nov. 25, 1926, Art. 14.
[20]Const. 1917, Art. 27, § II.
[21]Const. 1917, Art. 27, § III. Law of June 21, 1926, Art. 4.
[22]Law of Nov. 25, 1926. Const. 1917, Art. 130.
[23]Law of June 21, 1926, Art. 1. Law of Nov. 25, 1926, Art. 8. Const. 1917, Art. 130.
[24]*Foreign Affairs* for October 1926. "The Policies of Mexico Today" by Plutarco Elias Calles, page 4. "In conclusion, I wish to lay stress upon the fact that a real religious problem does not exist in Mexico. I mean that there is no such thing as persecution of a religious character against religious creeds or opposition on the part of the government to the dogmas or practices of any religion."

The effect of such laws is felt in more than the spiritual work of the Church. It is also the ruin of works of education and charity. Religion fosters education. Practically all the great universities of the United States, for example, were founded by religious organizations, except the State universities, and even some of these owe their beginnings to clergymen or to religious bodies, while all owe to them the inspiration that gave them birth. It would be true to say that not one-third of the colleges and universities of the United States would be in existence today had it not been for the educational activity of the Churches. Almost every American-born statesman and scholar up to 1840 was educated in schools established under religious auspices. Now the Mexican Constitution provides[25] that no clergyman may teach in a primary school, or manage higher schools except on conditions impossible for him to accept. No college under private control may give a degree recognized by the State.[26] All religious teaching Orders have been suppressed[27] and the formation of such Orders made illegal.

Sadder still is the effect of such laws on works of charity, a special field for religious efforts. Churches have always been, and still are, the principal sources of relief for the sick and the poor. More than sixty percent of the hospital beds in the United States are in religious institutions. To make it certain that Churches will not engage in such corporal works of mercy, the Mexican law confiscates institutions of charity and forbids the existence of any religious band of self-sacrificing men and women devoted to their service. In consequence, Mexico is today full of ruined institutions of charity, and its sick and poor are without protectors.

Again, under the Mexican law the religious press is permitted to exist only on condition of giving up its liberty. The laws and even the acts of public officials cannot be criticized by a religious paper under severe penalties, not even by secular papers betraying a religious bias.[28] Several religious papers have already been suppressed, and even certain daily papers of large circulation that were not religious but were at least sympathetic with religion. How far such laws depart from the American ideal is shown by the Virginia Bill of Rights and other similar acts.

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[25]Const. 1917, Art. 3. Law of June 21, 1926, Art. 4.

[26]Const. 1917, Art. 130. Law of Nov. 25, 1926, Art. 15. Law of June 21, 1926, Art. 4.

[27]Const. 1917, Art. 5. Law of June 21, 1926, Art. 6.

[28]Const. 1917, Art. 130. Law of June 21, 1926, Art. 13. Law of Nov. 25, 1926, Art. 16.

The Persecution a Product of New Paganism

It is scarcely necessary to set down the conclusions that naturally flow from the contrast we have made. They are at once apparent and must convince right thinking men and women that there can be no relationship between the principles upon which the Mexican Constitution is built, the laws that embody them, the spirit with which it is proposed they shall be enforced, and the principles, laws and spirit that are held sacred by the American people.

In fact, such laws hark back to paganism. Were they to prevail they would show civil society to have been marching, not in advance, but in a circle; and again arriving, in this our day, at the point from which it started with the dawn of Christianity. Such laws, in reality, embody the pagan plan of government, for they differ from it not at all in effect, but only in the manner and form of attaining the result. The ancient pagan gave despotic authority to the State by deifying it in its origin, and often in its rulers and its actions. The founders of Rome were supposed to be children of the gods. Her emperors were saluted as "divine" and altars erected to them. Great men of Greece were honored likewise. Even to this day some earthly rulers receive quasi-divine honors. The legendary benefactor of the ancient tribes of Mexico and Central America is said to have been a white man worshipped as a god.[29] Thus paganism united earthly and divine power in a deified state. The program of this new paganism eliminates the divine so as to leave the earthly in full possession. But the result of both extremes is the same—the slavery of the inidvidual. How far all this is from our convictions as Americans and Christians is immediately apparent.

PART II

What the Church Has Done For Mexico

A cause that has to be defended before the American people by concealing its underlying motives will not hesitate at having recourse to falsehoods and even to suppressing facts of history. Hence it is no surprise to find charges unproved and unprovable urged against the part played by Catholic missionaries in the task of planting religion and civilization in Mexico. This is all the more easily done because the great majority of the people who read and hear such charges have neither the time nor the leisure to give further attention to them, and, therefore, accept them as undisputed statements of historic facts. In consequence, it is

[29]Orozco y Berra, Hist. Ant., v. 1, pp. 63–67.

believed by some, and the belief has been encouraged by propaganda efforts of the Mexican Government especially in our colleges, that these missionaries destroyed a superior civilization in Mexico to build on its ruins a national monument to ignorance and superstition. The popular mind has been fed with the falsehood that the Church not only gave nothing of value to the Mexican people, but planted amongst them what was harmful; refusing to improve their condition by establishing schools, and meriting their hatred for thus keeping them illiterate and backward for centuries.

The Church and the Mexican Indian

Fair and honest consideration of the facts will show the frail foundation upon which such charges are built. There was once, in all probability, a pagan civilization in Mexico superior to the social and political condition of any other part of this hemisphere at the time, possibly excepting Peru; but it had disappeared long before the missionaries set foot on Mexican soil. Its depths we cannot probe. What the missionaries found, however, was not the fantastic Empire of the Aztecs, a creation of the imagination,[30] but a degraded land in which murder and cannibalism[31] had reached the dignity of religious rites. The old civilization, long since passed, had left part of its story preserved in legends and in ruins. The new civilization brought by the Spanish missionaries has its monuments still standing, and its deeds set down in historic writings. Its Laws of the Indies have been pronounced the most just code ever made for the protection of an aboriginal people.[32] If we contrast the condition of the Mexican Indian at the beginning of the nineteenth century with that of his northern neighbor, we see at a glance that the work of the Catholic missionaries was well done. We find even that the work has not failed to show results down to our own day. The praises and honors showered on Juarez, for example, are not undeserved so far as his intelligence and ability are concerned; but these praises and honors are re-

[30]José María Luis Mora, Mexico y sus Revoluciones, Paris, 1836, v. 4, p. 2 et seq. Mora explains that the aid of the masses for the revolt could not be enlisted with abstract ideas about independence, so it was necessary to inflame their passions with "fables" about the greatness of the Aztecs and the "barbarity" of the conquest and "three hundred years of slavery."

Hidalgo's rallying cry was defense of King and Religion. Alaman, v. I, p. 379.

[31]Cortés, Third Letter to Charles V. Dead are devoured after battle. Bodies of roasted children found in provisions of enemy.

Las Casas. Brevisima Relación. Dead and prisoners are devoured after battle.

Sahagún. Lib. II, Caps. II, XX, XXI, XXXII. Durán. Cap. LXXXI. Mendieta. Lib. II, Cap. XVI. Motolinia. Caps. 17, 19, 27. Pomar. Relación. p. 17. Recopilación de Indias. 1–1–7. (Law forbidding cannibalism).

[32]Lummis, Awakening of a Nation, Introduction.

flected back to the Church that he persecuted, the Church that had made a Juarez possible. Such an Indian as Juarez would be a wonder here, but he was no wonder in Mexico where great men came out of the Indian population, and are still coming out of it, because the Church, before her work was hampered and injured, had laid the foundation. Miguel de Cabrera was Mexico's greatest painter, but an Indian. Panduro and Velazquez were worthy of a place in the same hall of Indian fame. Altamirano was at once a great orator, novelist, poet and journalist, but likewise an Indian. Juan Esteban, a simple lay brother of the Society of Jesus, was so great as a primary teacher that families of Spain sent children across the ocean to secure for them the foundation of this Indian's original and most effective methods of instruction. Among orators, an Indian Bishop, Nicolas del Puerto, holds a place of distinction. In the realms of profound philosophy the world has produced few greater than Archbishop Munguía of Michoacan. Francisco Pascual García was a great lawyer; Ignacio Ramirez a distinguished journalist; Rodriguez Gavan a fine poet as well as a journalist; Bartolomé de Alba a winning and solid preacher; Diego Adriano and Agustín de la Fuente were expert printers; Adriano de Tlaltelolco, a latinist as well. All these were Indians, as were the historians Ixtlilxochitl and Valeriano. Rincón wrote the best grammar in the Aztec tongue. He was, like De Alba, himself a descendant of the Kings of Texcoco. A bibliography of the books written by Mexicans before the First Revolution fills many large volumes and in it the Indian has no small place. To whom the credit? To the Church which the Mexican Government informs the world gave nothing to its country.

Educational Progress Under the Church in Mexico

Baron Von Humboldt testified thus of the Mexico he visited: "No city of the new continent, without even excepting those of the United States, can display such great and solid scientific establishments, as the capital of Mexico." [33] Why, then, did Mexico advance to such a high place from the depths of savagery, there stop and begin to retrograde, while the United States went on and climbed to her present eminence? Ask that question of the closed university, the suppressed colleges, the empty schools, the confiscated monasteries and convents, students scattered in other lands, the

[33]Political Essay on The Kingdom of New Spain. Translated from the original French by John Black, New York, 1811. v. 1. p. 159. "The capital and several other cities have scientific establishments which will bear a comparison with those of Europe." p. 139.

muzzled press, the Laws of Reform, the sword, the gun, the violated ballot-box. One of these alone might have the power only to whisper the answer, but together they shout it so that the whole world may hear. It is an eloquent testimony to the wonderful work of the persecuted Church that to her, and to her alone, the credit is due that, at the beginning of the nineteenth century, Mexico had proportionally more colleges and more students in them, as well as less illiteracy, than even Great Britain, a testimony given her by a writer in a recent number of a London magazine.[34]

That fine picture fades and is replaced by one of sadness when, more than a century ago, Mexico's internal troubles began. In two generations, she had lost what three centuries of peace and cultivation had won for her; her churches seized; her wealth, formerly dedicated to education and social welfare, turned over to the looter. The worst elements rose to power and for them power was merely the road to riches. The subversive Jacobin doctrines, an evil legacy carried like a taint in the blood from generation to generation, yet prevail; but the buildings of the Church, monuments of education and social betterment, still stand, changed, alas, to other and often ignoble uses. Solidly, often beautifully constructed, many remain as barracks, prisons, hotels and offices. To Mexico goes the glory of the first book, the first printing-press, the first school, the first college and the first university in the New World,[35] and to Mexico's Catholic missionaries should go her gratitude for these distinctions. To the evil philosophy of the Red Terror goes only the sad credit for a century of destruction. A French writer ´n social science said that "Private initiative begins where the intervention of power ends." In Mexico it is proposed never to permit it to begin since the power of the State is to have no end. Yet the State owes all its progress and success to the individual. All advance in education, for example, such as the science of pedagogy, the planning of methods, the proper division of studies, the balanced curriculum, are the contributions of individuals. Surely these neo-Jacobins must see the force of the words of a French writer who said of people under such a regime, that they "judged liberty to lie in restricting the liberty of others."

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[34]The *Month*, Oct. 1926, "Church and State in Mexico."

[35]Icazbalceta. Bibliografia Mexicana del Siglo XVI. p. xvi. First Printing Press 1536. First Book, La Escala Espiritual, 1537. First School, 1522. (Justo Sierra, Mexico—Its Social Evolution, p. 478.) First College, 1533. (Cuevas, Historia de la Iglesia Mexicana, v. 1, p. 386.) First University, 1553. (Cavo, Tres Siglos, Lib. IV, 12.)

The Wealth of the Church in Mexico

The charge that the Church accumulated an undue proportion of the land of Mexico and gathered to herself vast estates as well as money, on examination has been found to be a gross exaggeration. When the facts are examined in the cold light of history, and the actual figures are given to show of what this wealth consisted, the charge falls to the ground, for the so-called wealth of the Church was chiefly in the endowments of Mexican education and works of social welfare. Little land was owned by the Church,[36] and in part only did even the wealth gathered for the endowments of education and social welfare come from the gifts of the people during a period covering three centuries in one of the richest countries in the world; for these endowments represented also the labor and self-sacrifice of thousands of religious men and women, working for nothing but their bread and raiment. The greater part of the wealth was, as we have stated, not that of the Church but of the country's educational and charitable agencies, and the amount itself has been greatly exaggerated for the purposes of propaganda.

When figures revealing the actual extent of these endowments are shown, and when they are contrasted with like endowments for educational and social welfare institutions here in the United States, it is plain that the charge that they constituted an undue part of the wealth of Mexico is not well founded. Three American universities[37] alone have endowments greater than all the educational and charitable institutions under the care of the religious Orders

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[36]Humboldt. Political Essay on the Kingdom of New Spain. New York, 1811. v. 1, p. 174. "The lands of the Mexican clergy (bienes raices) do not exceed the value of 12 or 15 millions of francs." ($2,285,714.28 to $2,857,152.85)

Colección Dávalos. v. 2, Doc. 361. Abad y Queipo says: "Mas: la poca propiedad de la iglesia y clero de América no consiste en posesiones." And in Doc. 363. "El valor de los bienes de estos piadosos destinos (capellanias y obras pias) se puede estimar prudencialmente en dos y medio ó tres millones de pesos."

Mora, (Obras Sueltas. v. 1, p. 372), quotes a report made by the Minister for Ecclesiastical Affairs, 1833, showing 129 farms and 3,331 city properties belonging to the religious orders of both sexes. The total income from these properties is given respectively as $147,047 and $631,762. The members of these orders according to that same report numbered 3,160. Mora's estimate of Church wealth (minus its fictitious values) totals less than $120,000,000.

Duarte, Curiosidades Historicas. p. 82, lists 861 farms and 22,649 city properties valued at $184,614,000. Various colleges and hospitals, even the Guild of Silversmiths, appear as owners.

See also note 41.

[37]World Almanac, 1926, p. 392.

Harvard	$69,689,840
Columbia	57,456,803
Chicago	31,992,620
	$159,139,263

165 institutions possess $794,231,462 in endowments of $1,000,000 or more.

of Mexico. A certain single non-Catholic religious denomination here, and that not the largest, has far more invested funds than the Catholic Church in Mexico possessed, with all her works of education and charity, at the period of her greatest prosperity.[38] That particular denomination in this country today has twenty times the number of clergy, in proportion to its membership, and five times the number of church buildings.[39] Moreover, the history of the rise and development of educational and social welfare endowments here is almost identical with those in Mexico, at least in so far as religious motives entered into the effort. The whole foundation of popular and higher education in the United States was built by the religious denominations that had found a place in American life, as we already pointed out; so that if we took from American life all the educational and social welfare values that these pioneers put in it, we would have today less than half our present equipment. But here in the United States zeal began and encouragement builded; while Mexico's "patriots" destroyed and ate up her own substance and sold her birthright as, one by one, her schools were closed, her teachers driven out, and her welfare institutions turned over to other uses. Many of these were sold at nominal prices to enrich the families of the revolutionists.[40] Those that stand today are monuments to a zeal and devotion that promised great things for the Mexican people, but which is now fast becoming a memory of a light that once astonished by its brilliancy and power; for the early progress of Mexico under the care of its missionaries was the admiration of the world. But figures speak louder than words. The highest estimate of the wealth of the

[38]The Baptists are referred to for purposes of comparison, because the number of their communicants in 1916 happens nearly to equal the number of Mexicans in 1810. The comparison is as follows:

	Baptists (a)	Mexicans
Population	6,107,686	6,122,354 (b)
Churches	51,248	10,112 (c)
Clergy	36,926	7,341 (b)
Unproductive property	$173,705,800	$52,331,894 (d)
Productive property	$98,453,844	$64,073,180 (e)
Income	$43,055,007	$5,682,153 (f)
Total values	$272,159,644	$116,405,074 (g)

(a) Baptist Year Book 1916.

(b) 1810—Navarro y Noriega. Memoria, in Boletín de la Soc. de G. y E. 2a Ep., v. 1, p. 281. Based on census of 1793 and Humboldt 1803.

(c) Romero, Mexico and the U. S. p. 97.

(d) Mora, Obras Sueltas, v. 1, p. 372. Citing report of Minister for Eccl. Affairs 1833, including 213 conventual establishments, valued at $21,300,000.

(e) Ibid. less his fictitious values; for example: Dr. Mora assumes $600.00 as the income of each parish priest, multiplies this by 20, and charges the product to capital.

(f) Ibid. less his fictitious values: and includes the tithes for 1829 amounting to $2,341,152. Does not include alms or fees.

Church in Mexico ever offered even by her enemies was $250,000,000, including all the endowments. Without such educational and social welfare endowments, the property devoted to religion in the United States is estimated by the Federal Trade Commission at $2,820,220,000. With the endowments, it is estimated at seven billions of dollars. Proportionately the Mexican figure might well be one fourth of the American. It was actually not even one tenth. When it was confiscated the Government realized far less than half of its estimated value.[41]

The history of the decline of education in Mexico begins with the expulsion of the Jesuits in 1767. Shortly after came the debacle that has been going on ever since. There were few to take the place of the old teachers. College after college had to be given up, most of them closed by the predecessors of President Calles. Gomez Farias closed the University of Mexico, the first University on this continent, in 1833. Reopened by Catholics, it was closed again by Comonfort in 1857. Again reopened one year later, Juarez closed it in 1861. The Liberal Cabinet of the weak Maximilian put an end to it in 1865. Later it descended to about the grade of a high school and, with some exceptions in certain departments, it has scarcely more than that rank today.

The Church and the Poor in Mexico

Bitter indeed was the lot of the people who had to witness, not only the confiscation of the educational and charitable foundations that were their own in every sense of the word, but to see, in the sweeping away of their endowments, the rise of usury and the

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(g) Ibid. less his fictitious values.

Including his fictitious values, Mora's figures show $181,116,754 total values and $7,456,593 total income.

According to Abad y Queipo the funds held in trust by the secular and regular clergy (1807) totaled $44,500,000. Representación. Colección Dávalos. v. 2, Doc. 263.

Mora estimates them to amount to $80,000,000. Mexico y sus Revoluciones, v. 1, p. 121. But in his Obras Sueltas, v. 1, p. 372, he follows Bishop Abad y Queipo ($44,500,000).

These funds were known as "capellanias y obras pias." Their disposition is indicated by $256,000 of "capellanias" and $220,630 of "obras pias" being listed with the funds belonging to the girls' college of San Ignacio in Mexico City. Boletín, etc., 3a Epoca, v. 5, p. 652.

[39]This is based on the present population of Mexico, 14,234,799 (Census 1921; World Almanac, 1926) and the present number of priests, which is about 4,000.

[40]Monjardín. Ocurso, etc. Mexico; Murguia Imprenta; 1862. This is an account of a lawsuit in which it is shown that a certain citizen purchased 50 confiscated properties, valued at $525,528 (in 1859 at $587,419), for $1,832.40 in cash, and government due bills that had cost him $40,077.90.

Romero, Mexico and the United States, p. 363. "The Church property . . . was sold . . . at a nominal price, payable partially in national bonds then selling at . . . about five per cent of their face value."

[41]In April, 1866, the office reported a total of $62,365,516.41 of confiscated values. Boletín de la Sociedad de Georgrafia y Estadistica, 2a Epoca, v. 2, p. 388.

exploitation of poverty in order to increase the wealth of a new moneyed class that revolution had made. The endowments of the Church institutions were almost exclusively invested in the development of Mexico's great agricultural resources at low rates of interest. The revenues from these investments went to the support of the country's educational and charitable institutions, the schools, the colleges, the orphan asylums, the homes for the aged and the hospitals. The investments themselves increased agricultural and industrial prosperity, even as the returns furthered intellectual and social progress. The very profession of the churchman made of his debtors his friends. But let an enemy tell the tale. We take it from a speech on the subject by Juan A. Mateos in the Mexican Chamber of Deputies, delivered on October 20th, 1893. "In the days of the old regime, when the clergy possessed a great number of city and country properties, year after year went by without the shameful evictions to which so many families are the victims today. The sordid avarice of the landlords of today has no compassion in contrast to the clergy who, animated by a spirit truly Christian, overlooked and excused. The Church loaned its capital at a low rate of interest, 4%, 5%, or 6% which was called the legal rate, a rate unknown today. Very rarely was a foreclosure notice published against a property pledged for a loan from these funds. For this reason I proposed, at the time of their confiscation, that a bank for the poor be established from the millions of the clergy, but my voice was drowned in the passions of the revolution. Because of this, the selfish interests and exactions of today have left homeless the many families who formerly enjoyed the tolerance and charity of the clergy." It was the revolutionary leader, President Juarez, who repealed the laws against usury by his decree of March 15, 1861. The work done for the people by this use of endowments practically constituted a land bank for the Mexican agriculturalists.[42] Only a few years ago our own Government had to found such a bank in the United States for the relief of the farmers.

The Church and Social Uplift in Mexico

The charge has been made that the Church in Mexico had no definite program of social action, that her attitude has been one of opposition. The record of Catholic Spain in this respect toward

[42]Mora, Mexico y sus Revoluciones, v. 1, p. 121.
Ramos Arizpe. In Boletín de la Soc. de G. y E. Primera Ep., v. 1, p. 137.
José Guadalupe Romero. Boletín de la Soc. de G. y E. Segunda Ep. v. 3, p. 556.
Matias Romero, Mexico and the U. S., p. 96.
Bustamante, Suplemento á Los Tres Siglos de Mexico, §63.

Mexico was such as to justify the statement by a recognized authority on the history of the Mexican people that: "No other nation has founded so extensively such beneficences in the colonies."[43] The Church was the first organization in Mexico to devote herself to the solving of the social question. But for sixty and more years she has not been free; yet, even before the revolution of 1910–11 broke out, she had already a program of social action, progressive, advanced and comprehensive, free of the spirit of caste, and not leading to turbulence and to unjust confiscation. This program of the Church was one of loyalty to the people of Mexico, generous, disinterested, and inspired by no political passion.

As early as 1903, Catholic delegates in the National Congress of Mexico introduced bills providing for the creation of rural co-operative banks. That year a Mexican Catholic Convention was held in the city of Puebla, and, among other problems, it discussed those of labor unions, of the Indians and of industrial education. Similar Congresses were held in succeeding years. In that of 1906, no less than twenty-nine reports were presented covering distinct phases of social action in which the Church was at that time engaged in Mexico. At the Congress held in 1909, in the city of Oaxaca, practically the entire time of the Congress was devoted to the discussion of the Indian problem.[44]

It was a group of Catholic delegates to the Congress of Mexico that introduced bills giving legal status to labor unions, providing for Sunday rest, and a Workmen's Compensation Act. In the State of Jalisco, where in 1912 the Catholic members constituted a majority in the State Legislature, statutes were enacted protecting the property rights of wives and children, protecting the rights of minorities and granting a legal status to labor syndicates. One needs but read Catholic publications of that time to know with what zeal the Catholic people and the Catholic clergy of Mexico were devoting themselves to social questions in that country when their action was free. In March, 1913, the National Catholic Party, assembled in Guadalajara, discussed a program which included such points as municipal autonomy, the land problems, rural co-operative banks, and the property rights of wives and children; the mere enumeration of which shows how far not only the Party, but the Catholic people of Mexico, had advanced in the solution of the social problems of that day. The Catholic Labor Unions of Mexico, at their convention held in 1913 in the city of Zamora,

[43]Lummis, The Awakening of a Nation.

[44]Policy of the Catholic Church in Mexico, 1925, p. 3.

adopted resolutions demanding every just thing contained in Article 123 of the Constitution of Queretaro and even went further than this Article in the protection of working-men's rights.[45]

It would not be hard, but for limitations of space, to enlarge on the story of the effort of the Church along social lines to better the condition of the people; and, at the same time, to insist that the Catholics of Mexico have never failed to contribute their best to all the demands made on them for intelligent, patriotic action.

The Church and Politics in Mexico

The charge that comes easiest to the tongue or pen of the Mexican politician is that the Church interfered in politics. The answer is even easier to give than the charge was to make, for no one ever tries to offer proofs that it is true. It is taken for granted that it will be believed without proofs. When and how was the Mexican Church in politics? If the charge refers to Spanish times, it is true that men like Bishop Las Casas, to whose memory revolutionary Mexico has recently erected a public monument, were in "politics" to the extent of fighting the Spanish officials in the colony, even to the foot of the throne of the King, to secure justice and education for the Indian. It is true also to the extent that, because of a none too ideal union of Church and State in those times, the latter often went beyond its rights granted under the Concordat, to encroach upon those of the Church, and was for that rebuked and opposed. It is true again to the extent that individuals sometimes sought to use the union for their own self-aggrandizement. It is true in no other way.

If the charge refers to the early revolutionary times, it is true to the extent that priests led the fight against Spain, but that the Church condemned them for deserting their spiritual activities to mix in the only kind of politics men then understood—warfare.[46] It is true to the extent that the Bishops tried to preserve religious rights against the assaults of the revolutionists of the day. It is true in no other way.

If the charge refers to more recent revolutionary history, it is true that the Church is the only defender the country could find against assaults by communists and atheists on civil, political and religious liberties. It is not true that the Church engaged in merely partisan politics. The Catholic Party of Madero's day

[45]Policy of the Catholic Church in Mexico, 1925, pp. 4-5-6-7-8.

[46]One hundred and fifty-five clergymen are listed in Através de los Siglos, v. 3, p. 775, as taking an active part in the revolution of 1810–21.

Hidalgo and his followers were condemned in proclamation issued by Bishop-elect of Michoacan, Abad y Queipo, Sept. 24, 1810. Colección Dávalos, v. 2, Doc. 44.

was a party of laymen organized to win for Mexico by constitutional means a more just and equitable code of laws. Madero welcomed it as "the first fruits of my revolution." To this extent, and not to any other, Catholics, not the Church, were in politics. What of it? Does not the democratic state proclaim the legitimacy of constitutional methods to redress grievances? If that method is wrong, then we Americans do not understand democracy. And if these grievances, by the deed of the enemies of religion, lie in the realm of religious rights, are the friends of religion forbidden by that fact to work for their redress, because by so doing they would be mixing in politics?

The Church and State in Mexico

The statement of the Government of Mexico that it is now only trying to dissolve a union between Church and State, and that the Church is seeking temporal power, finds an obvious answer in the history of the Mexican nation. There has been no union of Church and State in Mexico since 1857. Even before that, however, when in 1821, a revolutionary Mexican Government desired to retain some part of the union in the ancient right of "patronage", formerly enjoyed by the Spanish Crown, so as to have the appointment of bishops in its hands, it was met with a refusal from the Archbishop of México. When the demand was made the following year it was again rejected, this time by the whole body of the Episcopate.[47]

The Constitution of 1857 declared the union of Church and State to be dissolved.[48] That instrument, however, recognized the Church as a legal, though separate, entity. According to the "liberal" doctrine then in vogue, no "legal person" was such by its own inherent right, and became so only by grant of the State, which by a legal fiction created it. What the State makes, however, it can unmake, and this the Constitution of 1917, by a logical conclusion from a false premise, attempted to do. It recognizes[49] "no juridical personality in the religious institutions known as churches," thus depriving them of any legal protection against the encroachments of tyrants, whose real and often expressed purpose in Mexico was and is, not to separate the Church from the State but to subject the Church to the control of the State.[50] The

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[47]Concilio III Mexicano, p. 569.
Succeeding governments attempted to arrange for, or to assert, the right to appoint the Bishops and priests, until in 1857 when the constitution declared the separation of Church and State and the policy of expropriation was adopted.
[48]Art. 3.
[49]Art. 130.
[50]Law of Nov. 25, 1926, Art. 1.

Church in Mexico, on the other hand, is not asking for the union of Church and State to be restored, but for the American system of freedom of religion to be introduced. This may easily be learned from the words[51] of the Mexican Bishops addressed to the legislature: "What is it that we petition? Not tolerance, not complacency, much less privileges or favors. We demand liberty and we demand nothing but liberty, we demand liberty for all religions. . . . A regime of restrictions against religion is the denial of liberty."

Slanders against the Clergy in Mexico

Equal in falsehood with the slander against the Church in reference to education and wealth is that concerning extortion on the part of the Mexican clergy.[52] Those who have seen the poverty in which the clergy of our generation have lived need no proof drawn from statistics to know that they have been slandered. It suffices to say for those of other days that the total offerings collected in the churches by the Mexican clergy never represented a donation of even as much as one peso from each member of the flock per year. Offerings on the occasions of baptisms and marriages are smaller than those made to clergymen in the United States.[53] Works of education and charity have been supported chiefly by those whose means enabled them to be generous, as in our own country. The poor paid nothing but the copper dropped into a collection basket on Sunday. In Spanish times it is quite true that the revenues of the bishops were often large,[54] but it is also quite true to say that the surplus was spent on the great institutions to which we have

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[51]Sept. 7, 1926.

[52]The Indians were exempt from the payment of the tithing during the colonial period. (Alaman, v. 1, p. 23.) On the other classes only the tithing and first fruits were obligatory, anything else being voluntary. (Concilio III Mexicano Lib. III. Tit. XII. § III.) The fees which the parish priests were permitted to receive were fixed; those accepting more were fined double the excess. Marriages in the parish church occasioned no offering. The customary offering for baptism was one peso. Burials five to twelve pesos. For Indians the customary offerings were one half those expected from the Spaniards. (Arancel, 1767.)

[53]The *Churchman*, a Protestant Episcopal publication, in an editorial, February 6, 1915, quoted William Watson (a non-Catholic, who had lived some eight years in Puebla, Oaxaca, Guadalajara, and Mexico), on offerings as follows: Baptisms, 33 to 69 cents; marriages, $2.50 to $3.00; and nothing for baptisms and marriages during missions.

[54]Humboldt (Political Essay on the Kingdom of New Spain, New York, 1811, v. 1, p. 173), gives the revenues of the Bishops as follows: Mexico 130,000 double piastres (evidently pesos or dollars); Puebla 110,000; Valladolid 100,000; Guadalajara 90,000; Durango 35,000; Monterey 30,000; Yucatan 20,000; Oaxaca 18,000; and Sonora 6,000. The last was from the government treasury.

already referred. Indeed, the building of hospitals and orphanages seems to have been the favorite work of many bishops, who paid for them out of the revenues not needed for the support of their households and the cost of managing their large dioceses.[55] The hospitals in particular were the best that the times knew and superior to those of Europe. Some of those still standing are considered models for such a climate as that of Mexico, even at this day. Notable amongst such wonderful buildings is one in Guadalajara which is still visited by physicians, even from the United States, to study its construction and its plans for the care of patients; yet it is three centuries old and the gift of a bishop. Where the revenue of Bishop Zumárraga went is indicated by one of his letters[56] to the King of Spain written in 1537: "That which occupies my thoughts, to which my will is most inclined and my small forces strive, is that in this city and in every diocese there shall be a college for Indian boys learning grammar at least, and a great establishment with room for a large number of the daughters of the Indians." Before his death the Bishop had seen to it that a goodly part of his wish was made a reality. Nor should we pass without attention the letter of Geronimo Lopez to the King in which, as early as 1541, he complained against the Church because her clergy had taught the Indians too faithfully, even to the point of making them excellent writers and expert latinists.[57]

It must be remembered that the Bishops were the responsible trustees of funds for works other than those of the parishes and missions. In their zeal for progress, however, they often went far afield to make Mexico a progressive nation, for we find them building public roads and even aqueducts.[58] If the poor of Mexico have

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The tithing for the twenty year period 1771–1789 averaged $1,584,048.90 per year according to a tabulation given by Humboldt (Political Essay on the Kingdom of New Spain, 1822 edition, v. 3, p. 96). The tithing was divided as follows: one-fourth to the Bishop, one-fourth to the Cathedral Chapter; the remaining half was divided into nine parts, of which two-ninths went to the King, three-ninths to the cathedral building fund and hospital, and four-ninths to the parish priests. (Recopilación de Indias, Lib. I, Tit. XVI, Ley XXIII.)

[55]It was customary for the Bishops to devote any surplus to works of public benefit. This accounts for the numerous schools and hospitals founded by them. The San Andres hospital is an example. It was founded in 1779, by Archbishop Haro who secured the building, which had been a Jesuit college, from the government. He equipped it with 400 beds, all endowed. By February 1790 his donations had totaled $459,586. The hospital's funds amounted to $1,454,657. Some of the properties belonging to it appear in the list of the confiscated properties referred to in note 40.

[56]Zumárraga. Estudio Biografico. Garcia Icazbalceta, p. 215.

[57]Colección de Documentos para la Historia de Mexico. Garcia Icazbalceta, v. 1, p 148.

[58]Aqueduct at Durango 1728. Gaceta of April, 1728.
Aqueduct at Valladolid (Morelia) 1788. Bol. etc. 3a. Ep. v. 1, p. 627.

been systematically robbed by the extinction of their clergy, surely it will be hard to explain a devotion on their part to the Church and to their pastors which not even rigid censorship succeeds in concealing from those who today read what is happening in Mexico.

The Church Turns to Prayer not Arms

Even Catholics have asked why the Church in Mexico does not use its undoubted power to bring this persecution to a speedy end and take measures to prevent its recurrence, since it is admitted that the overwhelming majority of the Mexican people are of its fold. They forget that there are but two human means to that end: the ballot and the sword. The first is hopeless in Mexico, because there the ballot is not respected and governments are unaffected by it. Few citizens use it, because their votes are counted only when they favor the ruling powers or when these powers, for effect or deception, are willing to admit the existence of a small minority. An outstanding proof of this is found in the rejection by a vote of every member save one, of the petition for relief addressed by the Mexican Bishops to the Congress, though the petition was supported by the people. Congress, Senate and Courts do the bidding of the President, and this condition has been the rule and not the exception since "Liberty" came to Mexico by force of arms. It will continue to be the rule while that kind of "Liberty" stays. Ballots are less powerful than bullets when they are the playthings of tyranny.

The second human remedy is equally hopeless, for Christian principles forbid the Church founded by the Prince of Peace to take up the sword or rely upon such carnal weapons as the inflamed passions of men would select. If the Church has learned many things in her life of two thousand years the principal lesson came from the patience of her Divine Founder. She is not hated to die, but she has learned how to suffer. With Him she will be crucified but with Him also she will rise. The weapons of men are not for her. But, if these human weapons the Church will not use, she has one that well fits her hand, armored as it is in justice and in truth. She has prayer. Never in the history of the trials of the Church in Mexico has that weapon been so firmly held as now, thanks to the paternal counsels of the Sovereign Pontiff. Because of these, no longer does the quivering voice of the afflicted Church of Mexico rise alone to the Conqueror. From end to end of the earth the answer to the appeal of Pius goes upward to the throne of God. The hatred of men may spurn it. The malice of men may curse it. The unbelief of men may mock it. But its force is in a Promise and its power is in a Faith.

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ius for whom I was not responsible. Show me one step toward the light that I did not help you to make. Take out of your country all that I put in it, and see what remains. You may thrust me out, exile my bishops, murder my priests, again steal my schools and desecrate my sanctuaries, but you can not blot out history, you can not erase the mark I made on you—not in a century of centuries."

"For My Name's Sake"

If the gaining of the whole world does not recompense the individual for the loss of his soul, what then shall it profit a nation? There was a soul in Mexico, a spirit manifesting its presence by the impulse that sent her missionaries of civilization along a way unmarked, save for the print of their sandals, but now the great Royal Road of California—the Camino Real. It was a spirit that, building on its faith and its inspiration, left monuments to tell Mexico's story in the old missions of Texas, Arizona, New Mexico and along the shores of the Pacific from San Diego to San Francisco. For us of the North, these buildings, landmarks of the first Christian missions within our borders, beacons of the light of religion and civilization on our soil, fonts and fertile sources of a distinctive literature touched and tinted with colors and values all its own, are treasures honored as a rich legacy, noble and ennobling. The old records speak in the Spanish tongue to tell us that it was not really Spain but Mexico that sent the Padres to the North. Their Castilian speech is passing; nor are there left many descendants of the brave souls who came with them to write the first chapter, the chapter of beauty, into the history of our California. But the memories are not dead, nor has the trail been lost that was marked by the discoverers who gave to the Far Western country the first martyrs as well as the first teachers in all our nation. Through them we share in the glory of the initial gesture of Christian civilization on this continent. We have not denied, nor shall we deny, our debt to Mexico for this. Already it has been acknowledged by voices which, if they do not all sing the old hymns, yet do all understand something of the message of the singers; if they do not all worship at the old altars, yet do all hold sacred the spots upon which the Padres built them, and give to the new cities that grew around them the old names, to keep for the great West its traditions, its character and its charm. If the mother should forget what the sons and daughters love, shall not these sons and daughters take shame instead of glory from her? For you of our own flock in this happy land, where the rights of conscience are recognized and upheld by the laws, and respected by he people, we re-echo the appeal of Our Holy Father, Pope Pius XI.,

and ask the charity of your prayers—a memento in the daily masses of the priests, and a remembrance in the daily devotions of the faithful—for your afflicted brethren in Mexico, recalling to you words of Our Lord to show that your practical sympathy thus expressed will be pleasing in His sight: "*Blessed are they that suffer persecution for justice sake: for theirs is the Kingdom of Heaven.*"[59]

To the Bishops, the Clergy and the Faithful of Mexico we inscribe this defense of their history and their rights, not alone as a duty to the faith we hold in common, but as a testimony to their fortitude under trial and to the justice they preach in their dignified and legitimate demands. We bid them be of good cheer, for to Mexico in affliction may the significant words of the Master to the Apostle of the Gentiles be once more applied: "*This man is to Me a vessel of election, to carry My name before the Gentiles, and Kings, and the children of Israel. For I will show him how great things he must suffer for My name's sake.*"[60]

Given, this Twelfth Day of December, in the Year of our Lord, MCMXXVI, Feast of our Lady of Guadalupe.

[59]Matthew v. 10.
[60]Acts. ix, 15–16.

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